United Nations A/INF/57/5

General Assembly

Distr.: General
26 December 2002

Original: English

Fifty-seventh session

United Nations Administrative Tribunal

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, for their information, the attached note from the United Nations Administrative Tribunal to the President of the General Assembly.

03-20265 (E) 310103

Annex

Annual note by the United Nations Administrative Tribunal

1. At its third plenary session, held in Paris on 20 December 1951, the Administrative Tribunal decided to submit a note each year to the President of the General Assembly. In accordance with that decision, the following note is submitted in respect of the year 2002.

A. Appointment of members of the Tribunal by the General Assembly

2. At its 67th plenary meeting, on 4 December 2002, the General Assembly, on the recommendation of the Fifth Committee (see A/57/608), reappointed Mr. Kevin Haugh and appointed Ms. Jacqueline R. Scott as members of the United Nations Administrative Tribunal for a four-year term of office beginning on 1 January 2003.

B. Composition of the Tribunal during 2002

3. In 2002, the Tribunal was composed of the following members:

Mr. Mayer Gabay, President
Mr. Julio Barboza, First Vice-President
Mr. Kevin Haugh, Second Vice-President
Ms. Marsha Echols
Mr. Omer Yousif Bireedo
Mr. Spyridon Flogaitis
Ms. Brigitte Stern

C. Fifty-third plenary session

4. The Tribunal met in annual plenary session in New York on 28 October 2002, pursuant to article 5, paragraph 1, of its rules. All members were present.

D. Judgements delivered during 2002

5. In 2002, the Tribunal held two sessions, one in Geneva from 24 June to 26 July and one in New York from 28 October to 29 November. The composition of the panels and the corresponding judgements rendered are as follows:

Case No. 1013: Al-Jassani
Case No. 1017: Al-Jassani

(Al-Jassani against the Secretary-General of the United Nations)
(Request by UNDP staff member for revision of Judgements Nos. 955 and 956)
Judgement No. 1055

Geneva, 27 June to 25 July 2002

Mr. Barboza, presiding
Ms. Echols
Ms. Stern

* * *

Case No. 1032: Abboud et al.

(Abboud et al. against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Request by UNRWA staff member for revision of Judgement No. 934)
Judgement No. 1053

Geneva, 8 to 25 July 2002

Mr. Barboza, presiding
Mr. Haugh
Mr. Flogaitis

* * *

Case No. 1083: Edongo

(Edongo against the Secretary-General of the United Nations)
(Request by UNHCR staff member for revision of Judgement No. 987)
Judgement No. 1042

Geneva, 25 June to 23 July 2002

Mr. Gabay, President
Mr. Haugh
Mr. Bireedo

* * *

Case No. 1085: Paluku

(Paluku against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member for rescission of decision to terminate his permanent appointment)
Judgement No. 1064

Geneva, 11 to 26 July 2002

Mr. Barboza, presiding
Ms. Echols
Mr. Flogaitis

* * *

Case No. 1087: Massi (1)
Case No. 1088: Massi (2)
Case No. 1142: Massi (3)

(Massi against the Secretary-General of the United Nations)
(Claims by former UNOG staff member for rescission of decision not to extend his contract beyond sick-leave entitlement; increased compensation; rescission of decision to deduct compensation previously awarded under article 11.3 (c) of Appendix D from compensation awarded under article 11.2 (d))
Judgement No. 1065

Geneva, 25 June to 26 July 2002

Mr. Gabay, President
Mr. Bireedo
Ms. Stern

* * *

Case No. 1110: Handling

(Handling against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of decision not to renew his fixed-term appointment)
Judgement No. 1049

Geneva, 28 June to 23 July 2002

Mr. Haugh, presiding
Ms. Echols
Mr. Bireedo

* * *

Case No. 1114: Ch'ng

(Ch'ng against the Secretary-General of the United Nations)
(Claim by former UNEP staff member for rescission of decision to summarily dismiss her)
Judgement No. 1058

Geneva, 1 to 26 July 2002

Mr. Gabay, President
Mr. Barboza
Mr. Flogaitis

* * *

Case No. 1115: Baddad

(Baddad against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of decision not to renew his fixed-term appointment)
Judgement No. 1060

Geneva, 27 June to 26 July 2002

Mr. Gabay, President
Ms. Echols
Mr. Bireedo

* * *

Case No. 1116: Ou

(Ou against the Secretary-General of the United Nations)
(Claim by UNOV staff member for rescission of decision not to select him for the post of Chief, Chinese Translation Service, UNOV)
Judgement No. 1067

Geneva, 5 to 26 July 2002

Mr. Gabay, President
Ms. Echols
Ms. Stern

* * *

Case No. 1122: Ogalle

(Ogalle against the Secretary-General of the United Nations)
(Claim by former United Nations (United Nations Information Centre, Nairobi) staff member for rescission of decision to separate him from service under staff rule 110.3 (vii))
Judgement No. 1050

Geneva, 4 to 23 July 2002

Mr. Gabay, President
Mr. Barboza
Mr. Flogaitis

* * *

Case No. 1131: El-Zohairy

(El-Zohairy against the Secretary-General of the United Nations)
(Claim by United Nations staff member for retroactive dependency benefits)
Judgement No. 1075

Geneva, 25 June to 26 July 2002

Mr. Barboza, presiding
Mr. Bireedo
Ms. Stern

* * *

Case No. 1134: Da Silva (1)
Case No. 1135: Da Silva (2)

(Da Silva against the Secretary-General of the United Nations)
(Claims by former United Nations staff member for reclassification of post and retroactive award of special post allowance; rescission of decision not to renew his fixed-term appointment)
Judgement No. 1057

Geneva, 27 June to 26 July 2002

Mr. Barboza, presiding
Ms. Echols
Ms. Stern

* * *

Case No. 1137: Selebwa

(Selebwa against the Secretary-General of the United Nations)
(Claim by former UNEP staff member for rescission of decision to summarily dismiss her pursuant to staff rule 110.3 (viii))
Judgement No. 1051

Geneva, 2 to 23 July 2002

Mr. Gabay, President
Mr. Barboza
Mr. Flogaitis

* * *

Case No. 1138: Bonder

(Bonder against the Secretary-General of the United Nations)
(Claim by former UNEP staff member for rescission of decision not to renew his fixed-term appointment)
Judgement No. 1052

Geneva, 1 to 25 July 2002

Mr. Barboza, presiding
Mr. Flogaitis
Ms. Stern

* * *

Case No. 1139: MacNaughton-Jones
Ng
Rao

(MacNaughton-Jones; Ng; Rao against the Secretary-General of the United Nations)
(Claim by United Nations staff members who served with UNIKOM for rescission of decision to recover mission specific allowance overpayments)
Judgement No. 1079

Geneva, 3 to 26 July 2002

Mr. Gabay, President
Mr. Barboza
Ms. Echols

* * *

Case No. 1141: Helke

(Helke against the Secretary-General of the United Nations)
(Claim by former UNOG staff member for rescission of decision not to pay education grant)
Judgement No. 1047

Geneva, 26 June to 23 July 2002

Mr. Gabay, President
Mr. Bireedo
Ms. Stern

* * *

Case No. 1146: Shehabi

(Shehabi against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by UNRWA staff member for rescission of decision to terminate his contract for abandonment of post and to restore him accordingly)
Judgement No. 1076

Geneva, 27 June to 26 July 2002

Mr. Haugh, presiding
Ms. Echols
Mr. Bireedo

* * *

Case No. 1147: Khalili

(Khalili against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by former UNRWA staff member for rescission of decision to terminate her appointment under Area staff regulation 9.1)
Judgement No. 1044

Geneva, 1 to 23 July 2002

Mr. Haugh, presiding
Mr. Flogaitis
Ms. Stern

* * *

Case No. 1149: Bakr

(Bakr against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by former UNRWA staff member for rescission of decision to terminate his appointment on medical grounds)
Judgement No. 1078

Geneva, 28 June to 26 July 2002

Mr. Haugh, presiding
Ms. Echols
Mr. Bireedo

* * *

Case No. 1150: Diaz de Wessely

(Diaz de Wessely against the Secretary-General of the United Nations)
(Claim by former UNIDO staff member for rescission of decision not to grant her international status retroactive to the date of her recruitment)
Judgement No. 1046

Geneva, 26 June to 23 July 2002

Mr. Gabay, President
Mr. Haugh
Ms. Stern

* * *

Case No. 1152: Katz

(Katz against the Secretary-General of the United Nations)
(Claim by United Nations staff member for rescission of decision not to promote him to the D-1 level)
Judgement No. 1056

Geneva, 3 to 26 July 2002

Mr. Gabay, President
Ms. Echols
Mr. Bireedo

* * *

Case No. 1153: Ali

(Ali against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by UNRWA staff member for rescission of decision to demote him)
Judgement No. 1059

Geneva, 4 to 26 July 2002

Mr. Barboza, presiding
Mr. Haugh
Mr. Flogaitis

* * *

Case No. 1154: Hernandez-Sanchez

(Hernandez-Sanchez against the Secretary-General of the United Nations)
(Claim by member of the JIU for rescission of decision to recover education grant payment)
Judgement No. 1074

Geneva, 28 June to 26 July 2002

Mr. Gabay, President
Mr. Haugh
Ms. Echols

* * *

Case No. 1155: Bekele

(Bekele against the Secretary-General of the United Nations)
(Claim by former UNHCR staff member for rescission of decision to terminate his appointment on medical grounds)
Judgement No. 1077

Geneva, 2 to 26 July 2002

Mr. Gabay, President
Mr. Haugh
Ms. Echols

* * *

Case No. 1156: Obiny

(Obiny against the Secretary-General of the United Nations)
(Claim by former UNDP staff member for rescission of decision not to renew his fixed-term appointment)
Judgement No. 1045

Geneva, 26 June to 23 July 2002

Mr. Gabay, President
Mr. Bireedo
Ms. Stern

* * *

Case No. 1157: Madarshahi

(Madarshahi against the Secretary-General of the United Nations)
(Claim by United Nations staff member for rescission of decision to redeploy her)
Judgement No. 1069

Geneva, 28 June to 26 July 2002

Mr. Barboza, presiding
Ms. Echols
Ms. Stern

* * *

Case No. 1158: Dzuverovic

(Dzuverovic against the Secretary-General of the United Nations)
(Claim by former UNCHS staff member for rescission of decision not to renew her fixed-term appointment)
Judgement No. 1048

Geneva, 2 to 23 July 2002

Mr. Gabay, President
Ms. Echols
Mr. Flogaitis

* * *

Case No. 1159: Balzo

(Balzo against the Secretary-General of the United Nations)
(Claim by former ECLAC staff member for rescission of decision to offer him a lower-grade post)
Judgement No. 1062

Geneva, 27 June to 26 July 2002

Mr. Gabay, President
Mr. Haugh
Ms. Echols

* * *

Case No. 1160: Obuyu

(Obuyu against the Secretary-General of the United Nations)
(Claim by former UNCHS staff member for rescission of decision not to pay him a termination indemnity or, alternatively, redeploy him to serve out his contract)
Judgement No. 1054

Geneva, 4 to 25 July 2002

Mr. Barboza, presiding
Mr. Bireedo
Ms. Stern

* * *

Case No. 1161: Mink

(Mink against the Secretary-General of the United Nations)
(Claim by United Nations staff member for increased compensation)
Judgement No. 1043

Geneva, 3 to 23 July 2002

Mr. Gabay, President
Mr. Haugh
Mr. Bireedo

* * *

Case No. 1162: Rodriguez

(Rodriguez against the Secretary-General of the United Nations)
(Request by United Nations (ITC) staff member that the reclassification of his post be made retroactive)
Judgement No. 1073

Geneva, 5 to 26 July 2002

Mr. Barboza, presiding
Mr. Flogaitis
Ms. Stern

* * *

Case No. 1164: Chuteaux

(Chuteaux against the Secretary-General of the United Nations)
(Claim by former UNEP staff member for rescission of decision to terminate his permanent appointment)
Judgement No. 1072

Geneva, 8 to 26 July 2002

Mr. Barboza, presiding
Mr. Flogaitis
Ms. Stern

* * *

Case No. 1165: Flanagan

(Flanagan against the Secretary-General of the United Nations)
(Claim by United Nations staff member for recalculation of reimbursement for income taxes)
Judgement No. 1070

Geneva, 5 to 26 July 2002

Mr. Barboza, presiding
Ms. Echols
Mr. Flogaitis

* * *

Case No. 1166: Ragan

(Ragan against the Secretary-General of the United Nations)
(Claim by former UNDP staff member for rescission of decision to dismiss her under staff regulation 10.2)
Judgement No. 1066

Geneva, 8 to 26 July 2002

Mr. Barboza, presiding
Mr. Haugh
Mr. Flogaitis

* * *

Case No. 1167: Ahsan

(Ahsan against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member for rescission of decision to summarily dismiss her)
Judgement No. 1061

Geneva, 4 to 26 July 2002

Mr. Barboza, presiding
Mr. Haugh
Mr. Flogaitis

* * *

Case No. 1169: Berghuys

(Berghuys against the United Nations Joint Staff Pension Board)
(Claim by domestic partner of former ILO staff member for rescission of decision not to pay him a survivor's benefit)
Judgement No. 1063

Geneva, 3 to 26 July 2002

Mr. Gabay, President
Ms. Echols
Ms. Stern

* * *

Case No. 1171: Madueno-Ucar

(Madueno-Ucar against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member for rescission of decision to summarily dismiss him)
Judgement No. 1071

Geneva, 5 to 26 July 2002

Mr. Barboza, presiding
Mr. Haugh
Mr. Flogaitis

* * *

Case No. 1174: Thiam

(Thiam against the United Nations Joint Staff Pension Board)
(Claim by former UNHCR staff member for disability benefit)
Judgement No. 1068

Geneva, 28 June to 26 July 2002

Mr. Gabay, President
Ms. Echols
Ms. Stern

* * *

Case No. 1079: Hasanat Schmoeltzer et al.

(Hasanat-Schmoeltzer et al. against the Secretary-General of the United Nations)
(Claim by UNOV staff members for rescission of decision to discontinue language adjustment factor)
Judgement No. 1100

New York/Geneva, 16 November 2001 to 27 November 2002

Mr. Barboza, presiding
Mr. Flogaitis
Ms. Stern

* * *

Case No. 1090: Al-Hafiz

(Al-Hafiz against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by former UNRWA staff member for revision of Judgement No. 979)
Judgement No. 1094

New York, 6 to 29 November 2002

Mr. Barboza, presiding
Mr. Haugh
Ms. Echols

* * *

Case No. 1113: Droesse

(Droesse against the United Nations Joint Staff Pension Board)
(Claim by staff member of the Asian Development Bank related to the transfer value of his pension rights)
Judgement No. 1091

New York, 24 October 2001 to 25 November 2002

Mr. Gabay, President
Ms. Echols
Mr. Bireedo

* * *

Case No. 1182: Fayache (1)
Case No. 1186: Fayache (2)
Case No. 1187: Fayache (3)
Case No. 1188: Fayache (4)
Case No. 1190: Fayache (5)
Case No. 1191: Fayache (6)

(Fayache against the Secretary-General of the United Nations)
(Claims by former UNOG staff member for rescission of decision not to pay education grant for his sons; rescission of decision not to promote him to D-1 level; rescission of decision not to recognize his divorce; compensation for failure to provide him with timely performance appraisals and denial of his right to rebuttal; for "a more accurate certificate of service" and for compensation for the delay in providing same; rescission of decision to regard his appeal to JAB as frivolous)
Judgement No. 1086

New York, 4 to 25 November 2002

Mr. Haugh, presiding
Mr. Bireedo
Mr. Flogaitis

* * *

Case No. 1121: Gebreanenea

(Gebreanenea against the Secretary-General of the United Nations)
(Claims by UNOG staff member for compensation for failure to classify his functions in a timely fashion, and for special post allowance)
Judgement No. 1080

New York, 1 to 20 November 2002

Mr. Barboza, presiding
Ms. Echols
Mr. Bireedo

* * *

Case No. 1145: Plasa

(Plasa against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by former UNRWA staff member for rescission of decision to summarily dismiss him)
Judgement No. 1095

New York, 7 to 26 November 2002

Mr. Barboza, presiding
Mr. Flogaitis
Ms. Stern

* * *

Case No. 1151: Chinsman

(Chinsman against the Secretary-General of the United Nations)
(Claim by former UNDP staff member for rescission of the decision to dismiss him for misconduct)
Judgement No. 1083

New York, 6 to 25 November 2002

Mr. Gabay, President
Ms. Echols
Mr. Bireedo

* * *

Case No. 1170: Moussa

(Moussa against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by former UNRWA staff member for rescission of decision not to pay her deferred termination indemnity)
Judgement No. 1096

New York, 8 to 29 November 2002

Mr. Barboza, presiding
Mr. Bireedo
Ms. Stern

* * *

Case No. 1173: Aouali

(Aouli against the Secretary-General of the United Nations)
(Claim by former UNOG staff member for compensation under Appendix D of the Staff Rules for service-incurred injury)
Judgement No. 1097

New York, 11 to 25 November 2002

Mr. Gabay, President
Mr. Barboza
Ms. Stern

* * *

Case No. 1175: Cherif

(Cherif against the Secretary-General of the United Nations)
(Claim by United Nations staff member for dependency allowance and reimbursement of funds withheld at separation)
Judgement No. 1098

New York, 11 to 26 November 2002

Mr. Barboza, presiding
Mr. Flogaitis
Ms. Stern

* * *

Case No. 1176: Wu

(Wu against the Secretary-General of the United Nations)
(Claim by UNOG staff member for rescission of decision not to promote him)
Judgement No. 1085

New York, 8 to 25 November 2002

Mr. Gabay, President
Ms. Echols
Mr. Flogaitis

* * *

Case No. 1178: El-Charaoui

(El-Charaoui against the Secretary-General of the United Nations)
(Claim by United Nations staff member for rescission of decision not to promote him)
Judgement No. 1087

New York, 6 to 25 November 2002

Mr. Gabay, President
Ms. Echols
Mr. Flogaitis

* * *

Case No. 1179: Sabbatini

(Sabbatini against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member for rescission of the decision not to renew his fixed-term appointment or grant him a permanent appointment)
Judgement No. 1084

New York, 11 to 25 November 2002

Mr. Gabay, President
Mr. Barboza
Ms. Echols

* * *

Case No. 1180: Bhattacharjee

(Bhattacharjee against the Secretary-General of the United Nations)
(Claim by UNICEF staff member for greater compensation than recommended by JAB)
Judgement No. 1093

New York, 11 to 29 November 2002

Mr. Barboza, presiding
Ms. Echols
Ms. Stern

* * *

Case No. 1185: Berg

(Berg against the Secretary-General of the United Nations)
(Request by United Nations (UNFICYP) staff member for rescission of decision to demote him)
Judgement No. 1090

New York, 5 to 25 November 2002

Mr. Gabay, President
Ms. Echols
Ms. Stern

* * *

Case No. 1189: Khader

(Khader against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by former UNRWA staff member for rescission of decision to dismiss him for misconduct)
Judgement No. 1088

New York, 4 to 25 November 2002

Mr. Barboza, presiding
Mr. Haugh
Ms. Stern

* * *

Case No. 1192: El-Hudhud

(El-Hudhud against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by former UNRWA staff member for rescission of decision not to renew his fixed-term appointment and to impose disciplinary sanctions)
Judgement No. 1092

New York, 12 to 27 November 2002

Mr. Barboza, presiding
Mr. Haugh
Ms. Stern

* * *

Case No. 1194: Thomas

(Thomas against the Secretary-General of the United Nations)
(Request by UNOV staff member that the reclassification of her post be made retroactive)
Judgement No. 1099

New York, 5 to 25 November 2002

Mr. Gabay, President
Ms. Echols
Ms. Stern

* * *

Case No. 1195: Zakharov

(Zakharov against the Secretary-General of the United Nations)
(Claim by former ECA staff member for entire amount of compensation recommended by JAB)
Judgement No. 1081

New York, 6 to 20 November 2002

Mr. Gabay, President
Mr. Bireedo
Ms. Stern

* * *

Case No. 1196: Yearwood

(Yearwood against the Secretary-General of the United Nations)
(Request by former staff member of the International Tribunal for the Former Yugoslavia for rescission of decision not to renew his fixed-term appointment)
Judgement No. 1082

New York, 1 to 20 November 2002

Mr. Gabay, President
Mr. Haugh
Mr. Bireedo

* * *

Case No. 1197: Roman

(Roman against the Secretary-General of the United Nations)
(Request by former ESCAP staff member for rescission of decision to recover overpayment of non-removal allowance)
Judgement No. 1089

New York, 4 to 25 November 2002

Mr. Gabay, President
Mr. Barboza
Mr. Flogaitis

E. Amendments to the Statute and Rules

6. Amendments to the Statute and Rules of the Tribunal were introduced in 2001, pursuant to General Assembly resolution 55/159 of 12 December 2000. The complete text of the Statute, as amended, appears in the annex to resolution 55/159 and can also be found on the web site of the Tribunal, which may be accessed by clicking on "Staff Services" on the United Nations Intranet home page. The revised text of the Statute and Rules is also available as a United Nations publication (Sales No. 03.X.1).